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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,172	01/22/2000	Deborah T. Marr	2207/7942	6827

7590                    10/21/2002

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[REDACTED] EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
2171	

DATE MAILED: 10/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

*[Signature]*

## Office Action Summary

Application No. <b>09/490,172</b>	Applicant(s) <b>Marr</b>
Examiner <b>Te Chen</b>	Art Unit <b>2171</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Aug 7, 2002

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-20 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-20 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 7

6)  Other:

Art Unit: 2171

***Response to Amendment***

1. This is in response to amendment filed on 07/22/2002 (paper # 8).
2. Claims 1-20 remain for examination, claims 1, 10-11, and 20 have been amended.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nizar et al. (U.S. Patent. No. 5,495,615).

5. As to claim 11, Nizar et al. (Thereinafter referred as Nizar) disclosed an apparatus for establish thread priority in a programmable processing system [Title, col. 4, lines 51-67; col. 12,

Art Unit: 2171

lines 52-60] comprising a memory to store a value to indicate which one of the threads has a higher priority [306, Fig. 8; col. 20, 6-9].

6. Nizar does not disclose expressly that his invention use only a single processor. However, the examiner points out that a typical processor in the database art, including Nizar, is in fact a logical multiple processing entities operating in unison. Hence the distinction between single and multiple processing units is a blurry one. Nonetheless, to expedite prosecution, the examiner points out that it is well known in the art, and takes official notice to that effect, that using single processor instead of multiple processors is well known and equivalent. Given the interchange ability, and depending on supply of types and quantities of processors, it would have been obvious to one of ordinary skill in the art to modify Nizar and use a single processor, depending on supply and availability.

7. As to claims 12-19, in addition to the feature of claim 11, Nizar further disclosed that a resource allocated between the plurality of threads depending on a priority assigned to each thread [col. 12, lines 55-60 ], wherein the resource is a decode unit in the system, the decode unit correspond to a bus unit [col. 12, lines 43-47] which including queues to storing bus requests from a plurality of threads [col. 11, lines 40-43] and control logic couple to the queues to select based on the priority value [11, 15 and 20, Fig. 1].

Art Unit: 2171

8. As to claim 20, Nizar further disclosed an Advanced Programmable Interrupt Controller (APIC) Task Priority Register (TPR) for storing a value to indicate which of a plurality of threads having higher priority [col. 6, lines 20-24].

9. As to claims 1-10, the steps in the claimed method is deemed to be made obvious by the functions of the apparatus structure of claims 11-20 in the combination discussed above, hence were rejected for the same reasons.

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*Response to Arguments*

10. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 2171

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Chen whose telephone number is (703) 308-1155. The examiner can normally be reached Monday through Friday from 7:30 A.M. to 4:30 P.M.

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13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436. The fax phone numbers for this group are: (703) 746-7238 (After Final Communication); (703) 746-7239 (Official Communications); and (703) 746-7240 (For Status Inquiries, Draft Communication).

14. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Susan Chen

Oct. 8, 2002

  
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